

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

ROBIN J. PEMBERTON,)
Plaintiff,)
v.) CIVIL NO. 1:06CV9
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

O R D E R

THIS MATTER is before the Court on Plaintiff's "Motion For Attorney's Fee Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A)" filed on November 7, 2006 (document #22). By Response, filed on November 13, 2006, Defendant advises that the Commissioner will not oppose an award of legal fees in the amount of \$4,110.23, provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. § 2412(d). Defendant further advises that plaintiff's counsel consents.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's Motion for Attorney's Fees (document #22) is GRANTED, that is, counsel for Plaintiff shall be paid the sum of \$4,110.23 in attorney fees.

- 2. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.**
- 3. The Clerk is directed to serve copies of this Order to counsel for the parties.**

Signed: November 14, 2006



Lacy H. Thornburg
United States District Judge

